

July, 1957



THE NATIONAL Voter

LEAGUE OF WOMEN VOTERS OF THE U. S.

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The Security Commission Reports

"Points the way toward correction of many abuses of civil liberties"

"would only result in undermining the very fundamentals of individual dignity and freedom"

"provides reasons to cheer"

"unfair, unwise and unnecessary recommendations"

"greatly strengthens our national security"

"perpetuates and extends futile screening of millions of persons"

These are samples of the widely varied comments which greeted the long-awaited report of the Commission on Government Security.

Chairman Loyd Wright's anticipation of such reactions is reflected in his comments to the press: "If there isn't a lot of criticism, then we haven't done a good job."

Thus reopens a lively debate which had died down almost to a whisper while the 12-man Commission was scrutinizing the programs. The Commission held no public hearings, and made no interim statements as to the nature of its report, "to avoid entanglement in public controversies, to maintain an objective and impartial approach to its work."

It isn't easy to come up with one-sentence explanations concerning the contents of the 800-page report. The following summary of

the Commission's proposals relates primarily to the five federal loyalty-security programs covered by the League's national Program item.

COORDINATING MACHINERY

Creation of an independent Central Security Office in the Executive Office of the President "should go far to achieve uniformity where needed, lessen delays and in sum, provide greater justice to the individuals concerned and greater protection to the national security."

The major function of the Central Security Office would be its hearing and review machinery. Full-time hearing examiners would be hired and a 3-man central review board appointed.

The Central Security Office would also review, maintain statistics on, and inspect the various programs to insure uniformity, and would provide continuing aid in promoting competency of security personnel.

All functions would be advisory only, to agency heads.

SCOPE

Loyalty would be separated from security-suitability considerations in the hiring and firing of federal civilian personnel. The loyalty part of the current loyalty-security program would form the basis for a separate program. It would cover *all* federal government employees, including those with legislative and judicial branches, and would be called the **civilian employee** program. National Security Agency and Cen-

tral Intelligence Agency employees would be handled under separate programs.

The security-suitability part of the current loyalty-security program would be put back under Civil Service regulations, and the loyalty provisions now in these regulations would be removed. Dismissals could then be made within the suitability regulations "without branding the individual involved as a security risk or disloyal."

The atomic energy program, which now includes both Atomic Energy Commission employees and employees of industries with AEC contracts, would be split. AEC employees would be a part of the civilian employee program.

A separate loyalty program would be created for military personnel.

The current loyalty-security programs for **nongovernmental** employees would continue to embrace

Copies of the full report of the Commission on Government Security can be ordered for \$2.50 each from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. 807 pp.

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both loyalty and security considerations but would be referred to as security (as opposed to loyalty or suitability) programs. They would cover employees of industries with defense and AEC contracts who have access to secret and top secret information; merchant seamen and longshoremen; U. S. citizens in U. N. organizations; and employees of air transport industries.

The coverage of industrial employees would be reduced through elimination of the confidential classification of information. The Commission states its opposition to the Butler "defense facility" bill, rejecting "as objectionable and unnecessary" the prospect of screening "thousands of individuals not now subject to the security program."

The port security program's coverage of merchant seamen and longshoremen would be extended to include personnel desiring access to vessels on the Great Lakes and western rivers.

STANDARDS

The loyalty-security standard under the present program ("clearly consistent" with interests of national security) would be changed to a loyalty standard ("reasonable doubt" as to loyalty). This loyalty standard would apply to all federal personnel, whether civilian or military.

However, a loyalty-security standard would continue to be used as the basis for denying access to classified information to defense and AEC industrial employees, as well as access to any vessel or restricted waterfront facility to merchant seamen and longshoremen. The standard to be employed is that now used by the atomic energy program, i.e., whether access "will endanger the common defense and security."

CRITERIA

Except for minor revisions, the same criteria now used under E.O. 10450 would be applicable to non-governmental employee programs. However, for government employees these criteria would be separated. The criteria having to do with loyalty (i.e., sabotage, treason, advocacy, disclosure of membership in, etc., interests in another government, refusal to testify) would be placed under the loyalty standard. The criteria dealing with security (i.e., other than reasonable doubt as to loyalty) would be included under suitability factors enumerated in Civil Service regulations for civilian employees and "appropriate suitability directives for military personnel."

Suggested principles of application include: 1) Determination of degree to which persons with

past Communist membership or associations have broken with past contacts. This should be viewed in light of member's knowledge of organization's purpose, extent to which it was publicized at that time, its character and history, etc. 2) Relationship with one's family would not constitute reasonable doubt as to loyalty unless "close, continuing or sympathetic association." 3) Consideration of favorable as well as unfavorable information, such as "reputation as to veracity, integrity and strength of character among friends, associates, and employers," and "demonstrated appreciation of the need of protection of the national security against enemies, foreign and domestic." 4) A policy allowing for employment of "a former Communist who has genuinely recanted, and provides convincing evidence to that effect, would be in the best interests of the government." 5) Old loyalty or security cases should not be reopened except on new evidence.

PROCEDURES

Investigative Stage. Investigative procedures now provided for under the civilian employee program would be retained in much the same form: 1) Sensitivity of the position would continue to govern the kind of investigation called for—national agency check for nonsensitive and full field for sensitive. If derogatory subversive information is developed, investigation would be referred to the FBI for full field investigation. 2) Every person entering competitive Civil Service would be investigated by the Civil Service Commission;

The League's national President, Mrs. John G. Lee, was one of 36 "distinguished men and women" appointed by the Commission on Government Security to a Citizens Advisory Committee. Committee members took no part in formulating or endorsing the Commission's recommendations. At a meeting in Washington May 20-22, the group served as a "sounding board" before the final release of the report.

others, by investigative staff of own agency. 3) Investigative agencies would continue not to evaluate.

The same investigative procedures would be continued for the industrial security program, i.e., national agency check for secret; full field for top secret.

The Atomic Energy Act should be amended to require that investigation of all AEC employees be conducted by the Civil Service Commission. Scope of investigation for AEC employees would be the same as for other government employees; for industrial employees, the same as under other industrial programs.

The Commission rejected the idea of subjecting all incoming military personnel to a national agency check. Checks would be made only on incoming personnel making qualifying statements on the Armed Forces Security Questionnaire, and all prospective officers. The Army, Navy and Air Force would each conduct its own investigations rather than through a proposed Central Security Office.

Investigations under port security would be revised to include a national agency check for all merchant seamen and longshoremen. If derogatory security information turned up, the case would be turned over to the FBI.

SCREENING

Civilian employee screening would continue to be handled by a screening (now called security) officer within each agency, who would evaluate derogatory loyalty information and determine whether information is substantial enough to justify issuance of a letter of charges. Screening officers would grant informal interviews.

The Commission rejected the proposal that screening be performed by a central board, maintaining that this function should

VOTERCIPHER No. 11

VOTERCIPHER is a cryptogram—writing in cipher. Every letter is part of a code that remains constant throughout the puzzle. Answer No. 11 will be found in the next issue.

IXVTSYH OTJCL STLANCLXVXI-
XYH. YPJY XL UPH ONLY OTC
ESTJE XY.

—KTNSKT VTSCJSE LPJU

Answer to Votercipher No. 10
Not even a little water that comes
from rain must flow into the ocean
without being made useful to man.—
Parakrama Bahu the Great.

be under direct authority of agency head.

Under industrial security, the central screening board function would be retained. In the military program, the three separate boards would be retained for screening cases involving members of the three separate branches; tri-service screening procedures for inductees would be retained. In port security, the screening program should be improved and performed by full-time, "properly trained and indoctrinated" personnel.

SUSPENSION

The Commission recommends discontinuation of summary suspension without pay of civilian employees. Instead, the employee would be suspended, with pay, only if reasonable doubt as to loyalty and if impossible to transfer him to nonsensitive job. If agency head should make an adverse decision following the hearing, the pay would cease; if the decision after the review stage were favorable, he would receive back pay.

Under the industrial program,

suspension of clearance for access to classified material would continue not to preclude his transfer to a nonclassified job at the same plant.

HEARINGS

If an employee covered by any loyalty or security (but not suitability) program requests a hearing, it would be conducted, on an advisory basis, by hearing examiners rather than hearing boards. These examiners would be full-time government employees appointed from the Civil Service Register; their experience would be "legal practice or technical work in a field appropriate to government loyalty-security programs."

Hearings would be closed to all but the employee and his counsel, and would be confined to matters in the letter of charges. A written report containing examiner's finding, advisory decision and statement of reasons would be furnished to the agency head, and to the charged employee who would also receive a verbatim transcript of the hearing.

Confrontation of persons who have supplied derogatory information would be "allowed to the maximum extent consistent with national security." This would normally exempt regularly established confidential informants, i.e., those engaged in obtaining intelligence and internal security information. In such a case, the examiner would read into the record the substance of information and evaluation of its reliability.

However, derogatory information by casual informants (e.g., neighbors) could not be considered over the objection of the employee involved unless the employee is given the opportunity to cross-examine the informant under oath. If because of death, incompetency, or other cause, an informant is unavailable for the service of subpoena, the derogatory information could be considered "with due regard for lack of opportunity for cross-examination."

The examiner may issue a subpoena on the request of either the employee or the government, if the testimony would not be merely "cumulative." Also, the examiner may subpoena under his own motion.

The government would bear the cost of government witnesses, but the employee would have to deposit funds for travel and per diem costs for his witnesses. In the event the employee is not cleared, the deposited funds would be kept; if cleared, the funds returned.

Two types of witnesses could not be subpoenaed: confidential informants and identified informants who have given information on the condition that they would not be called as witnesses. Thus, unless such an identified informant changed his mind, his information could not form the basis of security charges, but it would still remain in the investigative file for leads.

APPEALS

If the agency head makes an adverse decision based on the hearing, the employee could appeal to the central review board. The board would examine the evidence and give the agency head the advantage of its "objective and considered review, on an advisory basis."

Highlights of Security

Civilian Employee Program

1) All employees in all three federal branches covered under loyalty program. 2) Suitability considerations removed to Civil Service procedures ("such cause as will promote the efficiency of the service").

Atomic Energy Program

1) Divided into two parts, one to conform with civilian employee program; the other, with industrial security program, but not consolidated with it. 2) L and Q clearances changed to atomic secret and atomic top secret to bring into line with clearances for rest of government. 3) Standard: a) AEC employees subject to loyalty standard as other civilian employees; b) present standard adequate for industrial security part of program ("clearance denied if it will endanger the common defense and security").

Port Security Program

1) Program continued ("conditions which led to creation of program, especially the substantial Communist infiltration of some maritime unions, still exist"). 2) Only change in coverage is to include maritime employees on the Great Lakes and western rivers. 3) Standard changed to the "endanger the common defense and security" standard. 4) Scope of investigation increased, to include at least a national agency check, and a full field when derogatory subversive

Commission Proposals

information is uncovered.

Industrial Security Program

1) Continue program ("necessary as result of continuing effort to infiltrate industries vital to U. S. security"). 2) Program should not be expanded as proposed in Butler bill. 3) Clearance for access to confidential information abolished. 4) Program should be based on Act of Congress, leaving details to executive order (not now clearly based on specific statute). 5) Industrial security programs of various branches of military services integrated into a single program under Office of Secretary of Defense.

Military Personnel Program

1) No distinction between sensitive and nonsensitive assignments or between classes of personnel, i.e., officers, enlistees, inductees, etc., since recommended program limited to a loyalty basis. 2) Standard: "reasonable doubt as to loyalty." 3) Not practicable to use in some semi-military status inductees who would otherwise be rejected on loyalty grounds ("disloyal individuals should not be in the Armed Forces"). 4) In loyalty separations type of discharge based solely on military record of individual. Unless falsification of official papers, pre-service conduct not considered in determining type or discharge. 5) Military program to be authorized by act of Congress.

However, there would be no hearing procedures nor appeal rights for those fired under Civil Service regulations. Furthermore, to provide "equal treatment of veterans and nonveterans," the Commission calls for repeal of the right to appeal to the Civil Service Commission under the Veterans Preference Act. The Commission rejected the alternative method of granting appeal rights to both veterans and nonveterans, pointing to its consistent opposition to any proposal to override the agency head's authority.

MISCELLANEOUS

Attorney General's List. The Commission recommends that the Attorney General's List be retained, with modifications. Since the Commission considers the list an essential part of the investigative process, it feels it important to retain a single list for the sake of uniformity.

The following revisions were proposed: 1) Standard for inclusion on list would be any group "which Congress or an agency or officer of the United States duly

authorized by Congress for that purpose" finds subversive. 2) Designation would be accompanied with statement showing: a) date when organization became subversive, as well as when it ceased to be of "such character" if it has; b) description of origin, history, aims of organization; c) if organization has ceased to exist, it would be retained on the list with date of dissolution and description of relevant circumstances. 3) No organization would be listed until after FBI investigation and notification by the Attorney General setting forth the charges. If the organization wished to contest, the Attorney General would transmit to the Central Security Office a complete file of the organization and the hearing examiner would proceed. The Attorney General's decision would be final and not subject to review.

These provisions would be for future listings only. Statutory authority for the Attorney General's List is also recommended.

Applicants under the civilian employee program would be given the same protections as employees,

Mrs. Nelson Morris

The untimely death of Gladys Morris of Ohio has brought to all of us who knew her a deep sense of loss. She served the League of Women Voters—local, state, and national—with great devotion and much distinction. As a national Board member from 1947 to 1950 she made a significant contribution in the field of economics. Her lively interest, her splendid sense of values, her valiant integrity—these and many other qualities will have a permanent influence on all of those fortunate enough to have been associated with her.

if there is a reasonable doubt as to loyalty. Under current program, applicants have no hearing rights.

Also, under industrial security applicants would be given the same rights as charged employees and would be investigated before being added to the payroll, which is not now the case.

Classification of Information. In addition to elimination of the confidential classification, the Commission recommends various improved procedures, including: 1) coordination, standardization through Central Security Office; 2) continuing review of classifying and declassifying procedures; 3) reduction of number of employees authorized to classify or to recommend classification; 4) document classification training programs; 5) fullest dissemination of scientific information consistent with national security.

A bill drafted by the Commission includes provision for prosecution of nongovernmental (e.g., newspapers) as well as governmental persons who make unauthorized disclosures of classified information.

★ CONGRESSIONAL SPOTLIGHT ★

June 27

FOREIGN AID: Senate passed Mutual Security Authorization (S. 2130) June 14 by vote of 57 yeas, 25 nays. House Foreign Affairs Committee holding hearings. House Appropriations Committee began hearings on Mutual Security Appropriation June 18.

TREATIES: Senate Judiciary Subcommittee on Constitutional Amendments held one-day hearing on S.J. Res. 3, proposed Bricker amendment to limit President's treaty-making powers, June 25. Heard only Sens. Bricker (R., Ohio) and Hennings (D., Mo.). No further action scheduled. House Foreign Affairs Committee June 27 reported favorably by vote of 18 to 8 H. J. Res. 16, sponsored by Rep. Bow (R., Ohio), providing for revision of Status of Forces Agreement and other treaties and international agreements, or withdrawal of U. S. from such treaties and agreements, so that foreign countries will not have criminal jurisdiction over American Armed Forces personnel stationed within their boundaries.

LOYALTY-SECURITY: H.R. 8322 (Murray, D., Tenn.), H.R. 8323 (Rees, R., Kan.), identical bills introduced June 24, would establish Central Security Office to coordinate administration of federal personnel loyalty and security programs; would equalize appeal rights of veterans and nonveterans in govern-

ment by extending appeal rights now held only by veterans to all government employees. S. 2399 (Sen. Johnston, D., S.C.), introduced June 26, is identical with the House bills. S. 2414 (Sens. Cotton, R., N.H., and Stennis, D., Miss.) and H.R. 8334 (Hiestand, R., Calif.), follow the Commission recommendations. All bills referred to House and Senate Post Office and Civil Service Committees. H.R. 8338, introduced June 24 by Rep. Hiestand, proposes a standard of loyalty for military personnel, and procedure for determination of loyalty. Referred to House Armed Services Committee.

CONSERVATION: S. Res. 148, introduced June 13 by Sen. Murray (D., Mont.) and 11 other Senators, proposes that additional information in support of proposed conservation projects be submitted to Congress by executive branch to aid in consideration of legislation to establish policies and criteria for allocation of project costs and evaluation of project benefits. Referred to Senate Committees on Interior and Insular Affairs, and Public Works.

D. C. HOME RULE: Senate District of Columbia Committee will hold hearing July 8 on bills proposing home rule for the District. The League will submit testimony.

† Indicates League opposition.

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